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Examiner: A. Q. Tran **Group:** 2824

Date: May 3, 2007

Client Code: 2037

Facsimile No.: 571-273-1885

From: James M. Smith

Subject: Executed Declaration for Continuation of Reissue Patent Application

Docket No.: 2037.1005-002

Applicant: Peter B. Gillingham

Application No.: 09/654,367

Filing Date: September 1, 2000

Number of pages including this cover sheet: 4

Please confirm receipt of facsimile: Yes ☒ No ☐

Comments:

Examiner Tran,

Per your request, attached please find a copy of the executed declaration for the above-referenced.

Thank you,

James M. Smith

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Document2
JMS/JTH/jk
11/3/06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter B. Gillingham

Application No.: 09/654,367 Group: 2824

Filed: September 1, 2000 Examiner: A. Q. Tran

Confirmation No.: 8231

For: METHOD OF MULTI-LEVEL STORAGE IN DRAM AND APPARATUS
THEREOF

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on	
Date	Signature
Typed or printed name of person signing certificate	

DECLARATION
FOR CONTINUATION OF REISSUE PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

As inventor of U.S. Patent No. 5,283,761, I hereby declare that:

1. My residence, post office address and citizenship are stated below next to my name.
2. I believe that I am the first, original, and sole inventor of the claimed subject matter described in United States Patent No. 5,283,761 granted on February 1, 1994 (hereinafter the '761 patent) entitled METHOD OF MULTI-LEVEL STORAGE IN DRAM for which a reissue patent is sought.
3. I have reviewed and I understand the contents of the specification of the subject reissue application, including the claims, as amended on November 13, 2006 and January 5, 2007.

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4. I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
<u>08/595,020</u>	<u>January 31, 1996</u>	<u>Issued (RE 37,072)</u>

5. I believe the original '761 patent is wholly or partly inoperative or invalid by reason of my claiming less than I had a right to claim in the patent.
6. One error being relied upon as a basis for reissue is that the original claims 1-9 failed to claim an embodiment in which a DRAM cell is capable of operating as either a one-bit-per-cell DRAM or as a multi-bit-per-cell DRAM, as disclosed in the original '761 patent at column 2, lines 54-56.
7. All errors being corrected in the reissue application, including all amendments up to the time of and with the filing of this Declaration, arose without any deceptive intention on the part of the applicant.
8. Please send correspondence to:

Customer No. 21005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 Virginia Road
P.O. Box 9133
Concord, Massachusetts 01742-9133

Direct telephone calls to: James M. Smith, Telephone No. (978) 341-0036

Direct facsimiles to: James M. Smith, Telephone No. (978) 341-0136

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9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: Peter B. Gillingham

Signature: Peter B. Gillingham

Date: 2 May 2007

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